

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

RICARDO LEDESMA-RIOS

CRIMINAL COMPLAINT

Case Number:

12-MJ-419-FLN

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 8, 2012, in Stearns County, in the State and District of Minnesota, defendant(s)

an alien who had previously been removed from the United States on or about February 15, 2002, subsequent to a conviction for an aggravated felony, namely Attempted Sexual Abuse, First Degree, in the state of Oregon on or about September 28, 2000, knowingly and unlawfully was found in the United States without obtaining permission from the Attorney General or the Secretary of Homeland Security to reapply for admission to the United States,

in violation of Title 8, United States Code, Section(s) 1326(a) and (b)(2).

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

6/27/12

Date
The Honorable Franklin L. Noel
UNITED STATES MAGISTRATE JUDGE

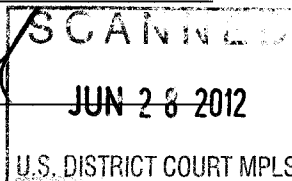
Name & Title of Judicial Officer

at

Signature of Complainant
Eric J. O'Denius
U.S. ICE

Minneapolis, MN
City and State

Signature of Judicial Officer



STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

AFFIDAVIT OF Eric J. O'Denius

Eric J. O'Denius, being duly sworn, deposes and states as follows:

1. I have been employed as a Deportation Officer with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security since April 29, 2007. I have been continuously employed within the Department of Homeland Security, and the former Immigration and Naturalization Service (INS), since September 14, 1997, when I began my career as a Detention Enforcement Officer. On September 25, 2004, I was promoted to Immigration Enforcement Agent (IEA). On June 11, 2006, I was promoted to Supervisory Immigration Enforcement Agent. On April 29, 2007, I was promoted to Deportation Officer.
2. As a Deportation Officer, my duties and responsibilities include overseeing the removal proceedings of aliens. I am also responsible for making arrests of aliens, reviewing alien files (commonly known as "A-files") in connection with the detention and release of aliens in ICE custody, and making custody determinations.
3. This Affidavit is based on my training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
4. This Affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, I believe that probable cause exists to support that, on or about June 8, 2012, in the city of St. Cloud, Stearns County, in the State and District of Minnesota, Ricardo LEDESMA-

Rios, a citizen and national of Mexico, unlawfully re-entered and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and that LEDESMA's removal was subsequent to a conviction for commission of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

5. On June 8, 2012, Defendant was encountered via the Criminal Alien Program (CAP) while detained by Stearns County, city of St. Cloud, Minnesota, by the ICE Enforcement and Removal Operations (ERO) St. Paul Field Office CAP team. IEA William Robinson determined that Defendant was an alien present in the United States without proper immigration documents which would allow the Defendant to be in, pass through, or remain in the United States legally, and lodged a detainer. On June 15, 2012, Defendant was turned over to ICE officers pursuant to detainer and transported to the ICE office in Bloomington, MN for processing.
6. At the ICE facility, Defendant's fingerprints were rolled, scanned and electronically submitted into the Department of Homeland Security's Automated Biometric Identification System (IDENT) and the Federal Bureau of Investigations Integrated Automated Fingerprint Identification System (IAFIS). IDENT and IAFIS positively matched and linked Defendant's fingerprints to alien registration number A078 101 685, Federal Bureau of Investigations number 339797VA4 and DHS Fingerprint Identification number (FIN) 910925288, revealing Defendant's previous immigration

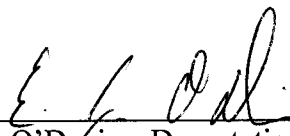
and criminal history.

7. On or about September 28, 2000, Defendant was convicted in the Lane County Circuit Court, Eugene, Oregon of Attempted Sexual Abuse, First Degree, in violation of Oregon Statute 161.405 and ordered confined for 18 months to prison, in Case Number 20-98-01985.
8. Based on IAFIS and IDENT identification of Defendant's prior history, I reviewed Defendant's unique immigration alien file (hereinafter "A-file") A078 101 685. Defendant's A-file file contains photographs, fingerprints and immigration documents identifying Defendant as a citizen and national of Mexico, who has been ordered removed and physically removed from the United States to Mexico on one (1) occasion prior to being found in the District of Minnesota in 2012. On February 14, 2002, Defendant was ordered removed from the United States to Mexico by a Deputy District Director at Portland, Oregon. On February 15, 2002, Defendant was removed from the United States to Mexico at Otay Mesa, California, subsequent to his conviction for an Aggravated Felony.
9. Law enforcement has confirmed through fingerprints contained in Defendant's criminal history and immigration file that the individual named Ricardo LEDESMA-Rios, referenced in those records is, in fact, the same person who is currently in ICE custody and was encountered on June 8, 2012 by Immigration and Customs Enforcement Officers.
10. Defendant is subject to removal as an alien who re-entered the U.S. without permission by the Attorney General or Secretary of Homeland Security as defined in

INA Section 241(a)(5) codified under 8 USC 1231(a)(5). Defendant is currently detained in ICE custody as mandatory detention per INA Section 241(a)(2) codified under 8 USC 1231(a)(2) due to his illegal re-entry to the United States.

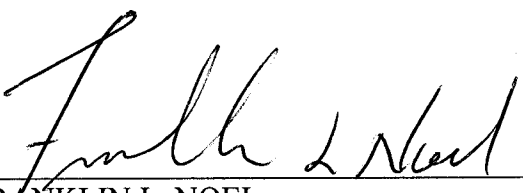
11. My investigation has revealed that Defendant is a citizen and national of Mexico who makes no claim to United States citizenship or lawful permanent residence status in the United States, nor does he have documents to enter, pass through, or remain in the United States.
12. My investigation has revealed that since his removal from the United States on February 15, 2002, Defendant has not applied for, nor received, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative.
13. Based on these facts, I have reason to believe that Ricardo LEDESMA-Rios is in violation of 8 U.S.C. Section 1326(a) & (b)(2) and Title 6, United States Code, Sections 202 and 557, Re-entry after removal, in that Defendant was ordered removed, subsequently removed, and then found in the United States without consent of the Attorney General, or the Secretary of the Department of Homeland Security, following the conviction of an aggravated felony.

14. Further Your Affiant Sayeth Not.


Eric J. O'Denius, Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 27th day of June, 2012.


FRANKLIN L. NOEL
United States Magistrate Judge
District of Minnesota